

**LAWYER'S ADVISORY COMMITTEE
MINUTES
APRIL 25, 2002
WEST TRENTON, NEW JERSEY**

Chairperson Nancy Isaacson opened the meeting with Judges Ferguson and Stern in attendance. Absentees included: Bruce Buechler, Mary Ellen Tully, Debbie Reperowitz, Joseph Markowitz, and Warren Martin.

The minutes from the meeting of January 24, 2002, were not available.

Committee Reports:

Electronic Procedures Committee- Jim Waldron reported that the new case management and electronic filing system (CM/ECF) that was implemented on 4/1/2001, is going well with some problems as expected. In the first 3 weeks approximately 53,000 docket entries have been made with about 7% coming from electronic filings. The biggest problems at this time are with getting information to the UST and panel trustees and creating calendars. The court has hired a new programmer to work on the system. Approximately 3/4 of all bankruptcy courts are either live or in the process of implementing CM/ECF, with about a dozen doing electronic filing. The court is continuing to train attorneys and staff in all three locations. Jim reminded the attendees that free RACER access would end on May 15th.

Mission Statement- A draft mission statement for the LAC was approved with slight modifications. It was noted that while the judges greatly appreciate the LAC, most practitioners are not aware of its work. More communication with the bar is needed through notices in the Law Journal and a bigger presence at the Bench/Bar. **Jim Waldron will add the LAC to the court's website including members' names.** On a related note, Jim noted that the National Rules Committee receives very little input from the New Jersey bar.

Reaffirmation Agreement- John Morton presented a draft local Reaffirmation Agreement form based on the national B-240 form. The form was approved by the LAC with minor changes. **Judge Ferguson will present it to the Board of Judges.**

Ongoing Oversight of Local Rules- Joe Casello reported that the newly reconstituted committee is considering several local rule changes that he will forward to the LAC members for comment. After a brief discussion on Chapter 13 stay relief, it was decided that a subcommittee for Chapter 13 local rules should be convened. The members include Linda Schwimmer, John Morton, Len Wismur, Carlton Lewis, Bob Underhill, and Joe Casello as liaison. The issue of responses to cross-motions (and the problem of "replies to replies to replies") was raised. **Simon Kimmelman will submit a proposal to Joe Casello.** Jim Waldron suggested that a more structured time-table for local rule changes was needed. **He will make a proposal to the Board of Judges.**

Local Chapter 11 Rules Committee- Nancy Isaacson reported that the committee will meet at the Law Center on May 15th.

Chapter 13 Standardization Plan- John Scura reported that the committee hopes to circulate a draft plan to the LAC before the next meeting.

Clerk's Report: Jim Waldron announced that the Board of Judges voted to realign all of Union County, parts or all of Middlesex, and possibly parts of Monmouth County to the Newark vicinage and to relocate Judge Stern to Newark. This action is being taken in light of current workload imbalances and in anticipation of a 9th judgeship for NJ. The 3rd Circuit has approved the proposal and the Bankruptcy Committee of the US Judicial Conference will vote on it on June 7th. Judge Stern will move on or about July 1st, but will sit part-time in Trenton to handle cases now being scheduled in Trenton. Chapter 13 and no-asset 7 cases currently assigned to Judge Stern will remain in Trenton; Chapter 11's will be transferred to Newark with Judge Stern, and asset 7's will be considered on a case by case basis. Bankruptcy legislation, which includes the 9th judgeship, is nearing passage. Jim also reported that the court may consider establishing a place of holding court in Southeastern NJ.

Roberta DeAngelis noted that the UST is considering establishing an additional Chapter 13 trustee position.

Liaison to District Court Report: Frank Vecchione noted that the District LAC has a rule limiting their meetings to 8:00PM. He reported that Jim Waldron did a great job in presenting the Historical Society's Newark Courthouses video to the LAC. The Historical Society is taping a retrospective of the "Camden 28 trial" on May 4th, and is planning an event in conjunction with the US Supreme Court Historical Society in October. Frank noted that Chief Judge Bissell complimented the Bankruptcy Court on the early success of electronic filing. The District Court is approaching the workload level to qualify for an additional judgeship and there may be as many as 6 vacancies in the near future. Judge Bissell is concerned about electronic equipment being brought into the courthouses by parties and has suggested that it be handled on a case by case basis by the judge before whom the parties are appearing. Frank also reported that the press is concerned by the growing amount of sealed files and wants some type of notice procedure.

New Business: Judge Ferguson asked for comments on the use of the Form Plan and Disclosure Statement. After some discussion on technical problems, small business usage, and the general pro's and con's, **this item was added to the local rules committees agenda.**

The next Judge's Meeting is scheduled for June 13th.

The next LAC meeting is scheduled for June 27, 2002, location tba.